

REMARKS/ARGUMENTS

Claims 1-5 have been cancelled and replaced by new claims 6-9.

New claims 6-9 have been amended to conform to claims allowed in the corresponding Canadian patent (Canadian Patent No. 2,442,580). In short, the claims have been amended to clarify that the disintegrator and manipulator mounted within the processing tub are longitudinally mounted and to include the limitation previously in claim 2 in claim 1.

With respect to the Examiner's objection to claims to 1-5 as previously on file as being unpatentable over Hruska' 553 in view of either Lundahl et al or Claes, firstly it must be noted that only Hruska is directed to a processor of the type claimed by the applicant herein. Further, as recognized by the Examiner, Hruska does not disclose the elongated tub claimed by the applicant in the present application. The Examiner asserts that the lack of elongated tub results in inefficient shredding but that Lundahl and Claes solve the problem by disclosing similar apparatus including the concept of enlarged feed means in order to shred more material at a given time. Accordingly, the Examiner asserts that it would have been obvious for one of ordinary skill in the art to modify Hruska by using enlarged feed means taught to be desirable by both Lundahl et al and Claes.

It is respectfully submitted that neither Lundahl nor Claes et al, even when combined with the Hruska reference, teach toward the invention claimed in the present application. Claes is not even directed toward processing previously harvested material, but instead is directed toward straw cutters for use on a combine. Further, the aim is to utilize the cutters to cut a relatively wide swath and feed the cut material to a central shredder. Similarly, Lundahl et al is

directed toward a processor wherein a stack of crop material (as opposed to bale) is transversely fed into a cutter adapted to process across the entire width of the stack in a particular pattern. Clearly, neither apparatus utilizes the general configuration of the type of processor disclosed in the applicant's application. Further, neither disclose an apparatus wherein bales are longitudinally positioned in a processing tub for processing using a flail drum adapted to engage the bale(s) along its entire length.

Hruska, on the other hand, clearly does disclose the same type of processor but does not disclose the elongated tub. In fact, due to the need to minimize forces along an elongated processing drum and receptacles the conventional wisdom in the art was that it was beneficial to maintain the length of the bale processor as short as possible for processors of the type in issue, namely those having longitudinally disposed rotary disintegrators and manipulator rollers adapted to engage large square bales or two round bales along their entire length. Further, despite large square bales being introduced years ago, most bale processors still will not receive a large square bale longitudinally, but instead are adapted to process such bails with their longitudinal axis transverse to the longitudinal axis of the bale processor (similar to the manner in which the stack is processed by Lundahl et al). As far as the applicant is aware, despite the fact that large square bales were being used several years before the applicant filed the parent of the present divisional application, none of the applicant's competitors developed a machine similar to the claimed machines capable of processing even a single large square bale or two large round bales longitudinally prior to the applicant disclosing its machine. That is despite the fact that large square bales have been popular for some time and the efficiency of handling, transporting and processing such bales is increased if they may be longitudinally disposed in the processor. Obviously, there are also efficiencies realized if one can carry and process two round bales in the processor at the same time.

In summary, while it is not denied that Hruska discloses a bale processor of the general type claimed in the instant application, that bale processor is not sized so as to accommodate a large square bale longitudinally or two large round bales. Further, there is nothing in Hruska or, it is submitted, in the general knowledge in the art teaching toward the possibility of using a processing tub designed to longitudinally accommodate a large square bale or two large round bales. To the contrary, it is submitted that a review of the art in the field shows that the tendency was to maintain processor tub, manipulator and disintegrator (flail drum) size relatively short. Accordingly, it is submitted that the art teaches away from the present invention and that it was not obvious at the relevant date.

The amended claims clearly identify the longitudinal nature of the disintegrator and manipulator in the tub it is submitted clearly and structurally distinguishing from art other than in respect of the particular type of processor in question. Further, the specified dimension to accomplish the purpose of the invention has been added to the broad claim. In the circumstances, it is believed that the claims should be allowable in their present form as supported by the fact that identical claims have been allowed in Canada.

In view of the foregoing, entry of the above amendment and allowance of claims 6-9 are respectfully requested.

Respectfully submitted,


David R. Price

Reg. No. 31,557

Docket No.: 86089-9059-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560